

Application No.: 10/807,327  
Attorney Docket No.: 042271  
Amendment under 37 CFR §1.116

### **REMARKS**

Claims 2, 4, 6, 8, 10, 12, 13, 15, 16 and 18-30 are pending in the present application. Claims 13, 15, 16 and 18-30 are withdrawn from consideration. Claim 2 is herein amended. No new matter has been entered.

#### **Claim Rejections - 35 U.S.C. §§ 102 and 103**

Claim 2 was rejected under 35 U.S.C. § 102(a) as being anticipated by Applicant's Prior Art; claim 4 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Applicant's Prior Art; claims 6 and 10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Applicant's Prior Art in view of **Summerfelt** (U.S. 2005/0012125); and claims 8 and 12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Applicant's Prior Art in view of **Summerfelt** and **Corvasce** (U.S. 6,656,801).

Favorable reconsideration is requested.

Applicant respectfully submits that the prior art described in the present application does not teach or suggest:

wherein the second contact plug is located at an intersection of two diagonal lines in four closest ferroelectric capacitors out of said plurality of ferroelectric capacitors

as recited in amended claim 2.

The Office Action cites Fig. 10 of the present application for disclosing the features as recited in claim 2. (Office Action, page 2.)

In Fig. 10, a second contact plug is located at the center of two capacitors next to each other in the longitudinal direction. In other words, the second contact plug is not located at an

Application No.: 10/807,327  
Attorney Docket No.: 042271  
Amendment under 37 CFR §1.116

intersection of two diagonal lines in four closest ferroelectric capacitors in Fig. 10. There is no plug at the intersection of two diagonal lines in four closest ferroelectric capacitors in Fig. 10.

For at least the foregoing reasons, claim 2 is patentable over the cited references, and claims 4, 6, 8, 10 and 12 are patentable by virtue of their dependence from claim 2. Accordingly, withdrawal of the rejection of claims 2, 4, 6, 8, 10 and 12 is hereby solicited.

In view of the aforementioned amendments and accompanying remarks, Applicant submits that the claims, as herein amended, are in condition for allowance. Applicant requests such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicant's undersigned attorney to arrange for an interview to expedite the disposition of this case.

If this paper is not timely filed, Applicant respectfully petitions for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,  
**WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP**



Andrew G. Melick  
Attorney for Applicants  
Registration No. 56,868  
Telephone: (202) 822-1100  
Facsimile: (202) 822-1111

AGM/adp